

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9448 of 2022

Arising Out of PS. Case No.-212 Year-2021 Thana- NADI P.S. District- Patna

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ARVIND KUMAR @ ARVIND RAI SON OF MAUJI LAL RAI RESIDENT
OF VILLAGE- JETHULI, POLICE STATION- NADI, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Soni Kumari, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 8, 20, 22, 29 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 10 Kg of Ganja from a plastic sack found from the third floor of the house of Mauji Lal Rai.

Learned counsel for the petitioner submits that from bare perusal of allegation as alleged in the FIR, it would manifest that the alleged Ganja was recovered from the house of Mouji Lal Rai and it was in his confessional statement that the name of the petitioner transpired.



Learned counsel for the petitioner submits that in view of the order of the Hon'ble Supreme Court in the case of **Toofan Singh vs State of Tamil Nadu** reported in **2021 (4) SCC 1**, the confessional statement before police is not admissible in evidence even in case related to NDPS, it is next submitted that the petitioner on the date of occurrence was not even present at the place of occurrence and he was in Ahmedabad where he works in Patna, Indore Road Lines Transport, it is also submitted that on the date of occurrence the petitioner had taken injection of Co-vaxin as would be evident from Annexure-3. Learned counsel for the petitioner submits that Mauji Lal Rai is father of the petitioner and for reasons best known he has falsely implicated his own son.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner application and submits that though petitioner was not present at the place of occurrence but then it is his father who has confessed before the police that along with his son they were indulging in dealing with narcotic substance. It is next submitted that no father would falsely implicate his own son rather would try to save him, it is also submitted that as far as defence of the petitioner that he was in Ahmedabad and he had taken injection of Co-vaxin on the date



of occurrence is concerned, the same is in nature of alibi which is weak defence particular at the stage of anticipatory bail.

Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail.

(Satyavrat Verma, J)

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